

**REPORT OF THE AUDIT OF THE
FLEMING COUNTY
CLERK**

**For The Year Ended
December 31, 2005**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE FLEMING COUNTY CLERK

**For The Year Ended
December 31, 2005**

The Auditor of Public Accounts has completed the Fleming County Clerk's audit for the year ended December 31, 2005. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees increased by \$487 from the prior year, resulting in excess fees of \$87,952 as of December 31, 2005. Revenues increased by \$89,312 from the prior year and expenditures increased by \$88,825.

Report Comment:

- The County Clerk's Office Lacks Adequate Segregation Of Duties

Deposits:

The Clerk's deposits were insured and collateralized by bank securities or bonds.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Larry Foxworthy, Fleming County Judge/Executive
Honorable Marilyn Spencer, Fleming County Clerk
Members of the Fleming County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Fleming County, Kentucky, for the year ended December 31, 2005. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2005, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated April 17, 2006, on our consideration of the County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Larry Foxworthy, Fleming County Judge/Executive
Honorable Marilyn Spencer, Fleming County Clerk
Members of the Fleming County Fiscal Court

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The County Clerk's Office Lacks Adequate Segregation Of Duties

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Fleming County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
April 17, 2006

FLEMING COUNTY
MARILYN SPENCER, COUNTY CLERK
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2005

Revenues

| | | | |
|--|----|-----------|-----------|
| State Fees For Services | | \$ | 6,298 |
| Fiscal Court | | | 4,561 |
| Licenses and Taxes: | | | |
| Motor Vehicle- | | | |
| Licenses and Transfers | \$ | 388,316 | |
| Usage Tax | | 1,239,719 | |
| Tangible Personal Property Tax | | 1,032,030 | |
| Other- | | | |
| Fish and Game Licenses | | 10,854 | |
| Marriage Licenses | | 5,106 | |
| Deed Transfer Tax | | 38,172 | |
| Delinquent Tax | | 57,049 | 2,771,246 |
| Fees Collected for Services: | | | |
| Recordings- | | | |
| Deeds, Easements, and Contracts | | 11,891 | |
| Real Estate Mortgages | | 23,556 | |
| Chattel Mortgages and Financing Statements | | 51,969 | |
| Powers of Attorney | | 704 | |
| All Other Recordings | | 15,255 | |
| Charges for Other Services- | | | |
| Copywork | | 6,461 | 109,836 |
| Other: | | | |
| Refunds | | 10,349 | |
| Miscellaneous | | 823 | 11,172 |
| Interest Earned | | | 684 |
| Total Revenues | | | 2,903,797 |

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY
 MARILYN SPENCER, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2005
 (Continued)

Expenditures

Payments to State:

Motor Vehicle-

| | | | |
|--------------------------------|----|--------------|--------------|
| Licenses and Transfers | \$ | 288,803 | |
| Usage Tax | | 1,200,416 | |
| Tangible Personal Property Tax | | 350,125 | |
| Licenses, Taxes, and Fees- | | | |
| Fish and Game Licenses | | 10,561 | |
| Delinquent Tax | | 6,548 | |
| Legal Process Tax | | 12,633 | |
| Miscellaneous | | 1,480 | |
| | | <u>1,480</u> | \$ 1,870,566 |

Payments to Fiscal Court:

| | | |
|--------------------------------|---------------|---------|
| Tangible Personal Property Tax | 115,809 | |
| Delinquent Tax | 11,679 | |
| Deed Transfer Tax | <u>36,199</u> | 163,687 |

Payments to Other Districts:

| | | |
|--------------------------------|---------------|---------|
| Tangible Personal Property Tax | 522,681 | |
| Delinquent Tax | <u>25,425</u> | 548,106 |

Payments to Sheriff 1,359

Payments to County Attorney 6,972

Operating Expenditures and Capital Outlay:

Personnel Services-

Deputies' Salaries 93,020

Materials and Supplies-

Election Reader 5,684

Office Supplies 13,846

Other Charges-

Conventions and Travel 3,981

Dues 450

Postage 3,059

Advertising 61

Refunds 14,341

New and Repairs 13,656

Miscellaneous 3,192 151,290

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY
 MARILYN SPENCER, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2005
 (Continued)

Expenditures (Continued)

| | | |
|---|---------------|---------------------|
| Total Expenditures | | <u>\$ 2,741,980</u> |
| Net Revenues | | 161,817 |
| Less: Statutory Maximum | | <u>67,071</u> |
| Excess Fees | | 94,746 |
| Less: Expense Allowance | \$ 3,600 | |
| Training Incentive Benefit | <u>3,194</u> | <u>6,794</u> |
| Excess Fees Due County for 2005 | | 87,952 |
| Payments to Fiscal Court - January 17, 2006 | 75,000 | |
| April 17, 2006 | <u>12,952</u> | <u>87,952</u> |
| Balance Due Fiscal Court at Completion of Audit | | <u>\$ 0</u> |

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2005

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31, that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2005 services
- Reimbursements for 2005 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2005

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2005
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 8.48 percent for the first six months and 10.98 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The County Clerk follows the requirements of KRS 41.240(4) and does not have a deposit policy for custodial risk. As of December 31, 2005, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

FLEMING COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2005
(Continued)

Note 4. Leases

- A. The County Clerk had two lease agreements with Software Management for the CCLIX software service and hardware maintenance. The agreements required annual payments of \$2,700 and \$3,380 for 5 years and were completed on September 18, 2005. The County Clerk renewed the agreement for one year.
- B. The County Clerk had two lease agreements with Xerox for copiers. The agreements require monthly payments of \$301 and \$287 for 60 months to be completed June 2009. The County Clerk was in compliance with the terms of the agreements as of December 31, 2005.

COMMENT AND RECOMMENDATION

FLEMING COUNTY
MARILYN SPENCER, COUNTY CLERK
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2005

INTERNAL CONTROL - REPORTABLE CONDITION:

The County Clerk's Office Lacks Adequate Segregation Of Duties

The internal control structure lacks a proper segregation of duties. There is a limited staff size, which prevents adequate division of responsibilities. The Clerk has statutory authority to assume the role as custodian of monetary assets, as well as recorder of transactions and preparer of financial statements. To offset the lack of adequate segregation of duties, the Clerk could implement the following procedures:

- Someone other than the Clerk should prepare the bank reconciliation
- The Clerk should sign all checks, or 2 signatures should be required on all checks, with one being the Clerk

County Clerk's Response: None.

INTERNAL CONTROL - MATERIAL WEAKNESSES:

None.

PRIOR YEAR:

- The Depository Institution Should Have Provided Additional Collateral Of \$98,454 To Protect Deposits - This comment has been corrected.
- The County Clerk's Office Lacks Adequate Segregation Of Duties - This comment has not been corrected and is repeated above.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Larry Foxworthy, Fleming County Judge/Executive
Honorable Marilyn Spencer, Fleming County Clerk
Members of the Fleming County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Fleming County Clerk for the year ended December 31, 2005, and have issued our report thereon dated April 17, 2006. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fleming County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide an opinion on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. The reportable condition is described in the accompanying comment and recommendation.

- The County Clerk's Office Lacks Adequate Segregation Of Duties

A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is not a material weakness.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fleming County Clerk's financial statement for the year ended December 31, 2005, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

Audit fieldwork completed -
April 17, 2006

